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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Fifth session
New York, 27 March-12 April 1995

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE OPENING OF THE FIFTH SESSION, HELD ON 27 MARCH 1995

1. I welcome you to the fifth session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

2. You will recall that at the end of the fourth session the Conference had agreed to hold two further sessions in 1995 in order to conclude its work. In accordance with our programme the first session is to be devoted to the consideration of the substantive matters before the Conference with a view to concluding negotiations at the end of this session. The second and final session will be devoted to the concordance and harmonization of the text in all languages with a view to arriving at a final text. During that session the Conference will also consider the draft Final Act and prepare the authentic texts of the Agreement in order that the Final Act and the Agreement can be adopted at the end of that session.

3. The Conference has thus set for itself a clear programme and I urge you to adhere to the timetable. As Chairman I shall make every effort to encourage and guide you to achieve the goal you have set for yourselves.

4. This morning the Bureau considered the work programme for this session. It is proposed that we proceed immediately to examine the text contained in document A/CONF.164/22 of 23 August 1994 entitled "Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks". Delegations will be given the opportunity to make general statements or observations on the text as a whole, before proceeding to examine the text in detail in informal meetings of the plenary. Once the Conference has had an opportunity to examine the text as a whole, it is my hope that it will be possible to revise the text quickly

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taking into account the discussion and have it issued by the beginning of the second week. We will then further examine the text in its revised form and see what issues remain outstanding and how best to deal with them.

5. As we proceed to examine the text and identify areas where further work is necessary, I shall undertake informal consultations with a view to resolving outstanding issues. As in the past, such consultations may take different forms depending on the issue at hand. The plenary will, of course, be kept informed regularly of developments in those consultations.

6. In my closing statement at the fourth session, I encouraged delegations to undertake inter-sessional consultations to facilitate negotiations and help achieve agreement at this session of the Conference. I also stated that I would myself coordinate and consult with delegations as appropriate. In order to maintain transparency and flow of information to all delegations, I undertook to report to the Conference at the beginning of this session on any developments resulting from such inter-sessional consultations.

7. I would like to inform you that I was invited to a meeting convened by a group of distant-water fishing States in Tokyo in January. The meeting reviewed the draft Agreement and participants were able to exchange views on its various provisions. I was able to provide clarification on some of the matters which were raised at that meeting. As it was the first opportunity for that group of States to exchange views on the text in a preliminary way, no conclusions were reached on any of the matters discussed. I must add that I found the dialogue with that important group of States most useful.

8. I also attended another inter-sessional meeting in Geneva in February at which some 25 States were represented. The meeting was preceded by informal meetings of distant-water fishing States on the one hand and a number of coastal States on the other.

9. The Geneva consultations provided an opportunity for an exchange of views on the various provisions of the draft Agreement. The informal exchange was most useful for a better appreciation of the text and also of the positions of various delegations based on their different perspectives. The discussions among delegations reinforced the constructive attitude that prevailed at the last session of the Conference. A number of useful suggestions were made for improving the text. I expect that these and other suggestions will be made in the plenary of this meeting so that the Conference as a whole will be able to consider them. I would therefore encourage those delegations that have suggestions to make to do so at the appropriate time as we go through the text in the plenary.

10. Inter-sessional discussions can only be preparatory in nature. They do not, and cannot, pre-empt the deliberations and decisions of the Conference. However, they are useful in that they identify areas where more time and effort are needed and pave the way towards ultimate agreement.

11. In that sense it is useful to note that among the matters which generated much discussion were the following issues: compatibility of conservation and management measures in areas under national jurisdiction and in high seas areas;

new participants in subregional or regional fisheries organizations or arrangements; enforcement of conservation and management measures in high seas areas by non-flag States - a difficult and delicate matter at the best of times; and the desirability of using the provisions of the United Nations Convention on the Law of the Sea with respect to settlement of disputes now that the Convention is in force.

12. These and other matters in the draft Agreement will be discussed fully during this session in order that everyone has an opportunity to consider them before any revision is made to the text.

13. The situation regarding fisheries resources has not improved since this Conference began. In fact it is steadily deteriorating. A recent report on the state of world fisheries and aquaculture issued by the Food and Agriculture Organization of the United Nations (FAO) indicates that the volume of marine and freshwater-capture fisheries has continued to decline since its peak in 1989. The report notes that at the beginning of the 1990s about 70 per cent of the world's conventional fish species were fully exploited, over-exploited, depleted or in the process of rebuilding as a result of depletion. It states that in the short to intermediate term, nations will need to constrain production in order to facilitate stock rehabilitation. Action is needed on:

(a) The control of fishing effort and the reduction of the industry's over-capacity;

(b) Resource allocation decisions;

(c) The establishment of more effective users' rights; improved decision-making on resource use;

(d) The adoption of precautionary approaches to fisheries conservation and management.

14. The problems identified in the FAO report are not new to us here since they were the very concerns that led to the convening of this Conference. We were in fact mandated to identify those problems and to find answers to them. The world at large is awaiting the outcome of this Conference and expects answers to these urgent and pressing problems. Our solutions must be practical and effective. We must establish a sound legal framework consistent with the 1982 United Nations Convention on the Law of the Sea in order to promote effective conservation and management measures so that fisheries resources can be utilized in an orderly and sustainable manner. We must redouble our efforts at this session.

15. The problems we are addressing do not belong to one region or one group of States, but concern the international community as a whole. Our solutions must be global in nature. Their effect must be to bring order to the oceans and to promote cooperation among States. The solutions must reflect the balance of interests that States have in matters relating to fisheries.

16. Recent incidents involving fishing vessels, including on the high seas, underscore the urgency of our task. Such incidents have occurred in many

different regions of the world. While particular incidents are useful reminders of some of the problems we face, they must not be allowed to distract us from the path of seeking effective global solutions. They cannot, and must not, become an impediment in our negotiations. I therefore urge restraint on all sides and continued commitment to achieving multilateral solutions to global problems.

17. I have outlined to you a proposed programme of work for this session, consistent with the decisions we took at the last session. I trust you will find this programme of work acceptable so that we can begin implementing it immediately. It is understood, of course, that the programme of work is flexible and may be adjusted as circumstances require.